

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 04 2010 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DONNA ATKINS,

Plaintiff,

-against-

THE CITY OF NEW YORK; COMMISSIONER
RAYMOND W. KELLY; COMMISSIONER MARTIN F.
HORN; P.O. MICHAEL DUNPHY, SHIELD #7217; U.C.
360; WARDEN JOHN/JANE DOE #1; SUPERVISOR
C.O. JOHN/JANE DOE # 1, AND C.O. JANE DOES # 1-
5, THE INDIVIDUAL DEFENDANTS SUED
INDIVIDUALLY AND IN THEIR OFFICIAL
CAPACITIES,

Defendants.
-----X

BROOKLYN OFFICE

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

09 CV 2108 (ILG)(SMG)

WHEREAS, plaintiff commenced this action by filing a complaint on or about
May 18, 2009, alleging violations of her federal and state rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the remaining issues raised in this
litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff has authorized his counsel to settle this matter on the terms
set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff, Donna Atkins, Forty Thousand Dollars (\$40,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release defendants City of New York, Raymond Kelly, Martin Horn, Michael Dunphy and UC #360 and any present or former officials, employees, representatives and/or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Plaintiff's Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

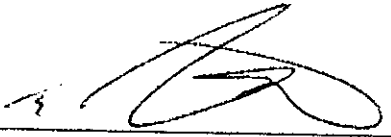
Dated: New York, New York

~~January~~ 1, 2010

February

Michael O. Hueston, Esq.
Attorney for Plaintiff
350 Fifth Avenue, Suite 4810
Empire State Building
New York, New York 10118
(212) 643-2900

By:


MICHAEL HUESTON

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, 3-193
New York, New York 10007
(212) 788-1816

By:


GABRIEL HARVIS (
Assistant Corporation Counsel

SO ORDERED:

S/ILG

U.S.D.J.

2/4/10



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 04 2010 ★

MICHAEL A. CARDOZO
Corporation Counsel

BROOKLYN OFFICE
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

GABRIEL P. HARVIS
Assistant Corporation Counsel
Phone: (212) 788-1816
Fax: (212) 788-9776
gharvis@law.nyc.gov

February 3, 2010

BY ECF

Honorable I. Leo Glasser
United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Donna Atkins v. City of New York, et al.
09 CV 2108 (ILG)(SMG)

Your Honor:

I represent the defendants in the above-referenced matter. The parties in this action have reached a settlement agreement. To that end, I respectfully enclose the executed Stipulation and Order of Settlement and Dismissal for Your Honor's signature and filing.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Gabriel P. Harvis
Assistant Corporation Counsel

Encl.

cc: Michael Hueston, Esq. (by ECF)